

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 3, 5, 6, 8 - 15, 17 and 18 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 10 - 15, 17, 18, and 29 have been cancelled without prejudice to simplify the issues on appeal.

In the office action mailed December 9, 2005, claims 1- 3, 5, 6, 8 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,480,165 to Flowers; and claims 10 - 15, 17, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers in view of U.S. Patent No. 5,496,045 to Millener.

The foregoing rejections are traversed by the instant response.

It is well settled law that for a reference to anticipate a claim, all of the limitations set forth in the claim must be expressly or inherently found in the cited reference. As noted in the previous response filed by Applicant, Flower does not anticipate the subject matter of claim 1 because all of the limitations of claim 1 can not be found in Flower. In particular, claim 1 calls for the brush seal to have a side plate, a first set of bristles, and a second set of bristles between the first set of bristles and the side plate. The claim further goes on to call for the first set of bristles to have a length greater than the length of the second set of bristles and for the second set of bristles to cooperate with the side plate to reduce windage effects on the first set of bristles. A review of the embodiment of FIG. 1 in Flowers, the set of bristles having the longer length is positioned between the side plate and the set of bristles having the shorter length. Nor does this

embodiment show a shorter length set of bristles which cooperates with the side plate to reduce windage effects on the longer set of bristles. Thus, this embodiment does not anticipate the limitations of claim 1. As for the embodiment of FIG. 6 in Flower, this embodiment does not meet the limitation in claim 1 of the first set of bristles abutting the second set of bristles at a point adjacent a joint between the back plate and the side plate. This is because Flower places a spacer ring (25) between the two sets of bristles in the vicinity of the joint. The embodiment of FIG. 7 has the same deficiency.

With respect to the Examiner's comments in the final rejection, it should be noted that the Examiner has indicated that the first bristles are the bristles 19, which bristles have a greater length than the bristles 18 of the second set. If this is how the Examiner is interpreting the claim, then the Examiner has failed to show the claimed second set of bristles having the longer length. Further, the second set of bristles in Flower is not between the first set of bristles and the side plate (21).

For these reasons, claim 1 is not anticipated by Flower.

Claims 2, 3, 5, 6, 8 and 9 are allowable for the same reasons as claim 1 and further on their own accord.

Claim 10 is allowable over the combination of Flower and Millener because Millener does not cure the aforenoted deficiencies of Flower. The seal in Millener has only a single set of bristles.

Claim 28 depends from claim 1 and points out that the first set of bristles abuts the back plate. New claim 28 is allowable for the same reasons as claim 1 and further because the first set of bristles in Flower abuts the side plate, not the back plate.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Entry of the amendment is proper since it merely cancels claims and thereby simply reduces the issues for appeal.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, she is hereby invited to contact Applicant's attorney at the telephone number listed below.

A notice of appeal is appended hereto in the event that the Examiner maintains the rejections of record. The Director is hereby authorized to charge the appeal fee of \$500.00 to Deposit Account No. 21-0279.

Should the Director determine that a fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

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I, Lori Larson, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 17, 2006.

